

Notice of Allowability

Application No.

08/999,766

Examiner

PAUL CALLAHAN

Applicant(s)

MOSKOWITZ ET AL.

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5-19-08.
2. ☒ The allowed claim(s) is/are 26-28,30-32,34 and 36-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/10/2008, 2/5/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8-1-2008.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: 1st page of 12-7-99 and 5-12-2000 Amendments indicating entry or non-entry by Examiner, 892 of 10-1-2003 with date for Merriam Webster reference now indicated..

DETAILED ACTION

1. This Office Action is directed towards the Applicant's response filed May 19, 2008.
2. The rejections of claims 25-63, including independent claims 25 and 29, were appealed, with the Appellant's Brief being filed July 10, 2003, see Appeal No. 2007-2773. In the decision of the BPAI, decided January 8, 2008, the rejections of claims 25-33, 35-39, 52-54, 58, 62, and 63 were affirmed, and the rejections of claims 34, 40-51, 55-57, and 59-61 were reversed.
3. As per MPEP Sec. 1214.06, in the previous Office Action mailed March 18, 2008 independent claims 25 and 29 were cancelled by the Examiner, with the Applicant being given a one month time period to rewrite any non-rejected claims that were dependent from claims 25 and 29 in independent form.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacob Martinez on July 31, 2008.

The application has been amended as follows: The changes shown infra are with respect to the version of claim 34 presented in the Amendment filed May 19, 2008.

34. A method for steganographically protecting a digital signal comprising the step of:
- a) providing a carrier signal that has been encoded with independent information;
 - b) using a stega-cipher to steganographically ~~encode~~ decode independent information including a digital watermark ~~into~~ from the carrier signal;
 - c) generating a first derivative encoded signal representing the original carrier signal combined with the encoded independent information, including the digital watermark, wherein the first derivative encoded signal is an arbitrarily close approximation of the original carrier signal.
 - d) modifying the first derivative encoded signal to produce a second derivative encoded signal, wherein the second derivative encoded signal differs from the original carrier signal by a greater degree than the first derivative encoded signal differs from the original carrier signal, as measured by an arbitrary signal metric.

Allowable Subject Matter

5. Claims 26-28, 30-32, 34, and 36-63 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/
July 25, 2008

/Matthew Smithers/
Primary Examiner, AU 2137